

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14128 of James A. Hickey, Archbishop, Catholic Archdiocese of Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.46 to use the main floor of the subject premises as a temporary community service center in an R-4 District at premises 1931 Kenyon Street, N.W., (Square 2604, Lot 154).

Hearing Date: September 12, 1984

Decision Dates: October 3 and November 7, 1984

FINDINGS OF FACT:

1. The subject application was on the preliminary calendar for the public hearing of September 12, 1984. No Affidavit of Posting was filed five days prior to the public hearing as required by the Supplemental Rules of Practice and Procedure before the BZA. The representative of the applicant testified that the property had been posted properly but due to an oversight the affidavit was not filled out and notarized until one day prior to the public hearing. An Affidavit of Posting evidencing the proper and timely posting of the property was submitted at the public hearing. The Chairperson ruled to waive the five day filing requirement and hear the case as scheduled.

2. As a further preliminary matter at the public hearing, the Chairman of the Zoning Committee of Advisory Neighborhood Commission 1E requested the Board to postpone the hearing or to leave the record open to allow the Advisory Neighborhood Commission to meet on the application and file a written report prior to the Board's decision on the case. The Chairperson ruled that the case would be heard as scheduled and that the record would remain open for the submission of the Advisory Neighborhood Commission report.

3. The subject site is located on the north east corner of the intersection of Kenyon Street and Adams Mill Road N.W. and is known as premises 1931 Kenyon Street N.W. It is zoned R-4.

4. The subject site is improved with a two story plus basement semi-detached dwelling. The second floor of the premises is used as a rooming house, a use permitted as a matter-of-right in the R-4 District.

5. The surrounding area to the north, east and south is zoned R-4 and is characterized by row dwellings of height and bulk similar to the subject premises. Across Adams Mill Road to the west is the National Zoo.

6. The applicant proposes to use the subject premises as a combined rooming house and temporary community service center. The combined use of the premises will be operated jointly by the Spanish Catholic Center and the International Association of Homemaking Technicians.

7. The rooming house use of the subject premises is permitted as a matter-of-right in the R-4 District. The rooming house portion of the subject premises will provide sleeping accommodations on the second floor for newly arrived Spanish-speaking women from Latin America and for use by Latin American women who are employed as live-in housekeepers and who prefer to leave their employers' premises on weekends and during vacations.

8. The use of the subject premises as a temporary community service center created for the purpose of improving the social or economic well being of the neighborhood is permitted in the R-4 District as a special exception subject to Board review and approval. The granting of the special exception requires the applicant to show compliance with the requirements of Paragraph 3104.46 and Sub-section 8207.2 of the Zoning Regulations.

9. Paragraph 3104.46 requires as follows:

- A. Such use is so located that it is not likely to become objectionable to neighboring properties because of noise, or other objectionable conditions.
- B. No structural changes shall be made except those required by other municipal laws or regulations.
- C. The use will be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.
- D. It is not organized for profit and no part of its net income inures to the benefit of any private shareholder or individual.
- E. That any authorization by the Board to locate such community service facility shall be limited to a reasonable period of time but not exceed three years. The Board may renew such authorization.

10. The proposed temporary community service center will provide vocational training and counseling provided on an individual basis. The center is proposed to acclimate

new arrivals from Latin American countries to the American culture and provide training for employment as live-in domestics.

11. The proposed use will be located in a semi-detached dwelling located at the western end of a row of residential row structures facing Kenyon Street. The subject premises is separated from other neighboring residential dwellings by a fifteen foot wide public alley to the north and by Kenyon Street to the south.

12. The number of residents of the subject premises is expected to vary from four women to a maximum of eight women.

13. The center will employ three staff members, none of whom will reside on the premises. The staff and the residents are expected to utilize public transportation.

14. No parking is provided on the subject site due to the shape of the lot and the location of the structure on the lot. The use is not expected to generate a demand for parking. The residents and volunteers are or will be employed in domestic jobs and it is not expected that they will own automobiles. The staff is based at the Spanish Catholic Center at 3055 Mt. Pleasant St., approximately three to four blocks from the subject premises, and are expected to walk or to use mass transit to arrive at the site.

15. Training at the subject site is provided by volunteers on a one-to-one basis and primarily consists of instructing the women in the use of household appliances and cleaning techniques. No more than three volunteers are expected to be on the premises at any one time.

16. The hours for the training sessions will vary in accordance with the individual's needs and the availability of the volunteers. It is expected that training will generally occur during evening hours and on weekends when the volunteers do not have to work.

17. Employment services, civics and English instruction, and medical and dental clinics are available at the Spanish Catholic Center and will not take place at the subject premises. The training proposed to be offered at the subject premises can not be offered at the Spanish Catholic Center offices or at the applicant's leased space at the Mackin High School due to the unavailability of kitchen facilities and a homelike atmosphere at those locations.

18. Approximately once per month, the advisory board of the International Association of Homemaking Technicians

will meet at the subject premises. Approximately ten to fifteen person are expected to attend those monthly meetings.

19. No structural alterations to the subject premises are proposed.

20. The subject site was selected because of its location in the Adams-Morgan area which contains the District's largest concentration of Spanish-speaking residents, the site's close proximity to the headquarters of the Spanish Catholic Center, the quiet residential character of the area, the availability of public transportation and the greater likelihood of locating employment with households in the upper northwest quadrant of the city.

21. The Spanish Catholic Center, Inc. is a non-profit corporation affiliated with the Catholic Archdiocese of Washington, D.C.

22. The use of the subject premises as a temporary community service center is projected to continue until the demand for such services no longer exists or until such demand increases beyond the capacity of the subject premises to fulfill the need for such services.

23. The Board notes that Sub-paragraph 3104.465 provides that Board approval of the proposed use is limited to a maximum of three years, subject to renewal by the Board after that period.

24. The Office of Planning, by memorandum dated September 5, 1984, recommended conditional approval of the application. The Office of Planning was of the opinion that the applicant has demonstrated substantial compliance with the provisions of Paragraph 3104.46. The imposition of the recommended conditions was intended to minimize any potential adverse impacts and to ensure compliance with the requirements of Paragraph 3104.46. The conditions recommended by the Office of Planning were as follows:

- A. The proposed temporary community service center shall be approved for three years.
- B. The number of employees working at the center at any given time shall not exceed three.
- C. All classes shall be limited in size to not more than twelve individuals.
- D. Group activities shall not take place after 9:00 P.M. Monday through Thursday nor commence before noon on Sundays.

25. Five nearby property owners testified at the public hearing in opposition to the application. A petition opposing the granting of the application containing seventeen signatures of nearby property owners and residents was submitted by one of the witnesses in opposition.

26. The opposition's concerns were as follows:

- A. The proposed use would be an intrusion into a stable residential area.
- B. The neighborhood has approximately a dozen existing group homes or community service centers.
- C. A community service center is not in keeping with the R-4 zoning in the area.
- D. Notice to nearby residents was vague as to the purpose of the proposed center and the applicant did not discuss the case with neighborhood groups.
- E. The subject premises is too small for the number of residents proposed.
- F. The rear of the premises is in poor repair and trash is not stored in a sanitary manner.
- G. Visitors to the proposed center will create noise and impact on the existing parking problems in the area.
- H. If the proposed temporary community service center is approved by the Board, another less desirable operator could come in and use the facility without Board approval.
- I. If approved, the number of residents should be limited and proper supervision should be provided.
- J. The facility may be used for large gatherings as evidenced by a large number of chairs delivered to the subject premises.

27. With regard to the large number of chairs which were delivered to the site, the applicant's representative testified that the chairs were stored in the basement of the subject premises for use at some of the Spanish Catholic Center's larger activities which take place at Mackin High School. No group meetings are expected to occur at the subject premises which would exceed ten to fifteen persons.

28. Advisory Neighborhood Commission 1E, by letter dated September 24, 1984, recommended denial of the application. The issues and concerns of the Advisory Neighborhood

Commission in addition to those raised by the witnesses in opposition, included the following:

- A. A large number of nearby property owners opposed the application due to the effect of the proposed use on the residential character of the neighborhood caused by increased density, pedestrian traffic in and out of the building and increased levels of noise, traffic and parking problems in the immediate area.
- B. Increased traffic generated by the proposed use would add to existing traffic congestion on adjoining streets and pose a safety risk.
- C. The proposed center would not serve the needs of the residents of the immediate area as evidenced by the petition in opposition and would be more appropriately located at the Spanish Catholic Center office which is in a more commercial area.
- D. The applicant has not demonstrated compliance with Sub-paragraph 3104.461 and 3104.463 in that the proposed use is not reasonably necessary to the neighborhood in which it is located and may become objectionable to neighboring properties.

29. At its public meeting of October 3, 1984, the Board granted a request from the applicant to postpone the decision in the subject case to allow the applicant additional time in which to respond to the submission of the Advisory Neighborhood Commission. Review of the materials submitted by the applicant on October 15, 1984, revealed the inclusion of additional materials in the submission, including proposed finding of fact. Materials submitted which were not expressly requested by the Board or previously made a part of the record were returned to the applicant by the staff on October 25, 1984.

30. The Board is required by statute to give "great weight" to the issues and concern of the ANC which are submitted in writing. In addressing the issues and concerns of the Advisory Neighborhood Commission, the applicant's response thereto, the neighbors in opposition, and the conditions recommended by the Office of Planning, the Board finds as follows:

- A. The rooming house portion of the subject premises is permitted as a matter of right in the R-4 District and is not before the Board in this application. The size of the subject structure and the number of residents that would be permitted to reside at the subject premises will be evaluated by other agencies of the District of

Columbia government during the processing of applications for the necessary certificate of occupancy and licenses.

- B. The proposed use is permitted in the R-4 District as a special exception subject to approval by this Board. The proposed use, therefore, is in keeping with the intent and purposes of the R-4 District.
- C. The small scale of services proposed will attract very little additional pedestrian or vehicular traffic to the subject site than that generated by the matter-of-right rooming house use.
- D. The services proposed are designed to utilize the features normally associated with a residence and could not properly be provided in an office setting.
- E. The potential impacts on the neighborhood can be eliminated by imposing appropriate conditions on the granting of the application.
- F. The use of the subject premises as a temporary community service center must be in accordance with the conditions imposed by the Board in this order. The use will further be limited to a two year period, so that the Board can assess the actual impact of the use as operated at the end of that period.
- G. Although reference was made to other community service center and group homes in the area, no probative evidence of the existence of such facilities or their potential or existing adverse impact was presented to the Board.
- H. The relationship of this site to its neighborhood is described in Finding No. 20.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such relief, the applicant must demonstrate compliance with the requirements of Paragraph 3104.46 and that the requested relief can be granted pursuant to Sub-section 8207.2 as in harmony with the Zoning Regulations. The Board concludes that the applicant has met the required burden of proof.

The Board concludes that the proposed use, as hereinafter conditioned, is not likely to be objectionable to neighborhood properties because of noise or other

objectionable conditions. No structural alterations to the premises are proposed. The use is convenient to the neighborhood. The use is not organized for profit and no part of its net income inures to the benefit of a private individual or shareholder.

The Board is not persuaded that the proposed use, as hereinafter conditioned, will substantially increase noise or traffic, create other objectionable conditions, or adversely impact the residential character of the neighborhood.

The Board further concludes that the proposed use would not adversely affect the neighborhood and can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of TWO YEARS from the date of this order.
2. The number of employees or volunteers on the premises at any time shall not exceed three.
3. Group activities, including classes, meetings, counseling, etc. shall be concluded by 10:00 P.M. and shall not exceed fifteen persons.
4. The subject premises shall be repaired to meet the standards of the D.C. Building Code.
5. All trash and debris shall be kept in a sealed container or sealed containers in one location on the site.
6. The basement of the subject premises shall not be use for storage purposes unrelated to the use of the premises as a rooming house and social service center.
7. A sign shall be posted on the front of the subject premises advising of the name and telephone number of the person to be contacted regarding any complaints about the use. Only one sign shall be permitted on the subject premises, which shall not exceed 144 square inches, shall be flat against the wall, and shall be non-illuminated.


VOTE: 4-0 (Maybelle T. Bennett, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant;



Douglas J. Patton not voting, not having heard  
the case)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 19 DEC 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO  
DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN  
DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL  
RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING  
ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS  
AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH  
PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE  
OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND  
REGULATORY AFFAIRS.

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